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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/626,881	07/27/2000	Kenneth A. Parulski	69449DPRC	1043

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PATENT LEGAL STAFF
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EXAMINER

MOE, AUNG SOE

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 07/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/626,881

Applicant(s)
Parulski et al.

Examiner
Aung S. Moe

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2612



– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Apr 29, 2002
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed April 29, 2002 have been fully considered but they are not persuasive.

The Applicant's arguments with respect to claims 6-9 are fully considered but they are not persuasive. In page 3 of the remarks, the Applicant alleged that Dounies '509 neither discloses nor suggests transmitting a stored image via radio frequency transmission as set forth in amended claim 6 (i.e., noted that Claim 1 is also amended with these limitations).

In response, the Examiner respectfully disagrees because Dounies '509 explicitly stated in col. 5, lines 25+ and col. 9, lines 44+ that a conventional mobile "cellular telephone transmitter/receiver" may be used for transmitting the stored image, thus, it is cleared that the cellular telephone system is capable of transmitting the stored image via a radio frequency transmission as amended by the Applicant. In view of this, the previous rejections of claims 6-9 will be maintained by the Examiner.

2. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection as follows:

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Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Dounies (U.S. 5,343,509).

Regarding claim 1, Dounies '509 discloses a method for transmitting digital images from a telephone/camera unit (Figs. 1/2 of Dounies '509) to a selected receiver (i.e., noted the receiver 'S' as shown in Fig. 1), comprising the steps of :

(a) providing a handheld telephone/camera unit (i.e., noted that the handheld device of Dounies '509 as shown in Fig. 2 may be connected to the conventional **mobile cellular telephone**; see col. 5, lines 29+ and col. 10, lines 45+) including: (i) an image sensor for capturing one or more images (i.e., col. 4, lines 55+); (ii) a memory for storing at least one captured image and at least one telephone number (col. 2, lines 25-55 and col. 7, lines 50+); (iii) a telephone keypad (i.e., col. 2, lines 39+ and col. 9, lines 45+); and a transceiver for transmitting via radio frequency transmission, at least one stored image (i.e., noted that the telephone system contains a transceiver. Also noted that Dounies '509 clearly discloses in col. 10, lines 45+ that a conventional **mobile cellular telephone transmitter/receiver** may be used for transmitting the stored image via a radio frequency transmission; see Figs. 4A-4B and col. 10, line 45);

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(b) entering a telephone number of a selected receiver using the keypad and storing the entered telephone number in the memory (col. 9, lines 60+); and

(c) programming the handheld telephone/camera unit so that in response to a user actuating an image capture switch (i.e., as shown in Figs. 4A/4B that the digital camera is programmed to perform the different operation modes, e.g., the modes' 1-8, with the use of the computer 16 and other control units therein; see col. 5, lines 40-55), performing the steps of:

(i) using the image sensor to capture at least one still image (i.e., col. 4, lines 55+); (ii) storing the at least one captured still image in the memory (col. 8, lines 1+); (iii) dialing the stored telephone number to establish a connection between the transceiver of the telephone/camera unit and the selected receiver (col. 8, lines 1+); and (iv) transmitting at least one stored image to the selected receiver (col. 8, lines 1+ and col. 9, lines 20+).

Regarding claim 6, Dounies '509 discloses a method for transmitting digital images from a digital camera (36) to a selected receiver (i.e., Fig. 1, noted the receiver S), comprising the steps of: (a) providing a digital camera including: (i) an image sensor for capturing one or more images (i.e., Fig. 4B; col. 7, lines 50+); (ii) a memory for storing at least one captured image and at least one telephone number (Fig. 4B, the elements' 37, 26, 27 and 21; col. 6, lines 26+ and col. 9, lines 15-20); and (iii) a transceiver for transmitting via radio frequency transmission, at least one stored image (i.e., noted that the telephone system contains a transceiver. Also noted that Dounies '509 clearly discloses in col. 10, lines 45+ that a conventional mobile **cellular**

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telephone transmitter/receiver may be used for transmitting the stored image via a radio frequency transmission; see Figs. 4A-4B and col. 10, line 45); and

(b) programming the digital camera (i.e., as shown in Figs. 4A/4B that the digital camera is programmed to perform the different operation modes, e.g., the modes' 1-8, with the use of the computer 16 and other control units therein; see col. 5, lines 40-55) so that in response to a user actuating an image capture switch (i.e., col. 5, lines 8+), performing the steps of (i.e., col. 8, lines 1+):

(i) using the image sensor to capture at least one still image (i.e., see step 1.3 as disclosed in col. 8, lines 1+); (ii) storing the at least one captured still image in the memory (col. 8, lines 3+); (iii) dialing the stored telephone number to establish a connection between the transceiver of the digital camera and the selected receiver (col. 8, lines 16+); and (iv) transmitting at least one stored image to the selected receiver (col. 8, lines 16+ and col. 9, lines 20+).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 2, 4-5 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dounies '509 in view of Saito (U.S. 5,724,155).

Regarding claim 7, it is noted that although Dounies '509 shows the use of a display screen (2), Dounies '509 does not explicitly state that the display screen (2) is capable of displaying the stored captured image as recited in present claimed invention.

However, using the display screen (i.e., see the display elements of Fig. 4) for displaying the stored captured image (i.e., Fig. 17 and col. 9, lines 5+) is well-known in the art as evidenced by Saito '155. In particular, Saito '155 further suggested that by providing the display screen to displaying the stored captured image before the transmission to the remote location would allow the user to monitor the conditions of the stored image, and further permitting the user to mark/select the desired image to be transmitted to the remote receiver (see col. 9, lines 6+).

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In view of this, having the system of Dounies '509 and then given the well-established teaching of Saito '155, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the system of Dounies '509 by providing the display screen as taught by Saito '155, since Saito '155 suggested at col. 9, lines 10+ that such a modification would allow the user to monitor the conditions of the stored image and further permitting the user to mark/select the desired stored image to be transmitted to the remote receiver thereof.

Regarding claim 8-9, Dounies '509 does not explicitly show the step of compressing the image data prior to transmission with the use of JPEG compression.

However, the above mentioned claimed limitations are well-known in the art as evidenced by Saito '155. In particular, Saito '155 clearly teaches the use of JPEG compression process for compressing the image data prior to transmission (Fig. 4, the element 10; col. 4, lines 65+), so that it allows the small size camera to capture and store large amounts of image data in a small storage medium thereof.

In view of this, having the system of Dounies '509 and then given the well-established teaching of Saito '155, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the system of Dounies '509 by providing the JPEG compressing process as taught by Saito '155, since Saito '155 suggested at col. 2, lines 10+ that such a modification would allow the small size camera to capture and store large amounts of image data in a small storage medium thereof.

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As for claim 2, please see the Examiner's comment with respect to claim 7 as set forth above.

As for claims 4-5, please see the Examiner's comment with respect to claims 8-9 as set forth above.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dounies '509 in view of Umezawa et al (U.S. 5,491,507).

Regarding claim 3, it is noted that although Dounies '509 shows the use of the image capture switch (i.e., see Fig. 2 of Dounies '509) and the telephone keypad (i.e., col. 2, lines 35+ of Dounies '509), Dounies '509 does not explicitly show that the image capture switch is a key on the telephone keypad as recited present claimed invention.

However, the above mentioned claimed limitations are well-known in the art as evidenced by Umezawa '507. In particular, Umezawa '507 teaches the use of an image capture key is on the telephone keypad (i.e., Noted from Fig. 1 that the image capture key, such as keys 12-15d, is combined with the telephone keypad and located on the keypad area of the cellular telephone unit 1; see col. 10, lines 10+ of Umezawa '507) so that it would obviously reduce the size of the system as a whole and further enhancing the user's convenient.

Therefore, having the system of Dounies '509 and then given the well-established teaching of Umezawa '507, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the system of Umezawa '507 as taught by

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Umezawa '507, since it is clearly obvious to one of ordinary skill in the art that such a modification would reduce the size of the overall system and thereby enhancing the user's convenient by providing the ability for quickly and easily capturing the image information as needed.

COPY OF ORIGINAL

The papers filed on *April 19, 2002* have not been made part of the permanent records of the United States Patent and Trademark Office (Office) for this application (37 CFR 1.52(a)) because of damage from the United States Postal Service irradiation process. The above-identified papers, however, were not so damaged as to preclude the USPTO from making a legible copy of such papers. Therefore, the Office has made a copy of these papers, substituted them for the originals in the file, and stamped that copy:

COPY OF PAPERS

ORIGINALLY FILED

If applicant wants to review the accuracy of the Office's copy of such papers, applicant may either inspect the application (37 CFR 1.14(d)) or may request a copy of the Office's records of

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such papers (*i.e.*, a copy of the copy made by the Office) from the Office of Public Records for the fee specified in 37 CFR 1.19(b)(4). Please do **not** call the Technology Center's Customer Service Center to inquiry about the completeness or accuracy of Office's copy of the above-identified papers, as the Technology Center's Customer Service Center will **not** be able to provide this service.

If applicant does not consider the Office's copy of such papers to be accurate, applicant must provide a copy of the above-identified papers (except for any U.S. or foreign patent documents submitted with the above-identified papers) with a statement that such copy is a complete and accurate copy of the originally submitted documents. If applicant provides such a copy of the above-identified papers and statement within **THREE MONTHS** of the mail date of this Office action, the Office will add the original mailroom date and use the copy provided by applicant as the permanent Office record of the above-identified papers in place of the copy made by the Office. Otherwise, the Office's copy will be used as the permanent Office record of the above-identified papers (*i.e.*, the Office will use the copy of the above-identified papers made by the Office for examination and all other purposes). This three-month period is not extendable.

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Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or Faxed to:

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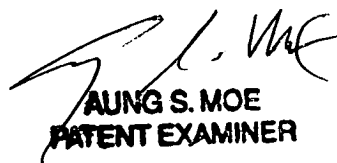
(703) 872-9314, (for formal communications; please mark **“EXPEDITED PROCEDURE”**; and for informal or draft communications, please label **“PROPOSED”** or **“DRAFT”**).

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Aung S. Moe** whose telephone number is (703) 306-3021. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber**, can be reach on (703) 305-4929.

Any inquiry of a general nature or relating to the status of this application should be directed to the customer service number (703) 306-0377.


AUNG S. MOE
PATENT EXAMINER

A. Moe
July 5, 2002